

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION**

UNITED STATES OF AMERICA,

v.

TYRECE CUNNINGHAM,

Defendant.

CASE NO.: 2:21-cr-12

**ORDER**

On March 23, 2023, Defendant was Ordered by United States District Judge Lisa Godbey Wood to have a psychiatric or psychological examination pursuant to 18 U.S.C. §4241 and 4242. Doc. 95. On June 28, 2023, the Court received Defendant's psychological report from the Bureau of Prisons. Doc. 101. In the report, the evaluating doctor opined that until Mr. Cunningham's competency could be established, the mental state at the time of the alleged offense would be deferred. The undersigned issued an Order and Report and Recommendation, finding Mr. Cunningham incompetent to proceed with this case at that time and that Mr. Cunningham be ordered to a federal medical center for treatment and restoration to competency. Doc. 104. The Recommendation was adopted by Judge Wood on August 7, 2023. Doc. 105.

On March 13, 2024, Sarah L. Burton, Ph.D., Forensic Unit Psychologist assigned to Defendant contacted the Court to inquire if the Bureau of Prisons should evaluate Defendant for the purposes of an insanity defense if Defendant's competency is restored. On March 20, 2024, pursuant to Rule 12.2, Defense counsel filed a Notice of Intent to Rely on Defense of Insanity,

seeking an evaluation of Defendant's mental health examination to determine the existence of insanity at the time of the alleged offenses. Doc. 114.

For these reasons, and in accordance with 18. U.S.C. § 4242(a), I hereby **ORDER** that Defendant's treatment and evaluation should also include an examination to determine whether Defendant was insane at the time of committing the alleged offenses. The examination should be conducted, and a psychiatric or psychological report be filed with the Court, pursuant to 18. U.S.C. § 4242(b) and (c). The Court's prior order, finding Defendant incompetent, and ordering Defendant for restoration to competency remains in full force and effect.

**SO ORDERED**, this 25<sup>th</sup> day of March, 2024.

A handwritten signature in blue ink, appearing to read 'B. Cheesbro', with a horizontal line extending from the end of the signature.

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BENJAMIN W. CHEESBRO  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA